

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

DAVID MALONE-LIPFORD,	)	Case No.: 5:18 CV 2712
	)	
Plaintiff	)	
	)	
v.	)	JUDGE SOLOMON OLIVER, JR.
	)	
COMMISSIONER OF SOCIAL	)	
SECURITY ADMINISTRATION,	)	
	)	
Defendant	)	<u>ORDER</u>

The Commissioner of Social Security Administration (the “Commissioner”) denied disability benefits to Plaintiff David Malone-Lipford (“Plaintiff” or “Lipford”) in the above-captioned case. Plaintiff sought judicial review of the Commissioner’s decision, and this court referred the case to Magistrate Judge George J. Limbert (the “Magistrate Judge” or “Judge Limbert”) for preparation of a Report and Recommendation (“R & R”). Both parties submitted briefs on the merits. Plaintiff requested an order vacating the Commissioner’s decision and remanding the case on the grounds that the Administrative Law Judge’s (“ALJ”) decision was not supported by substantial evidence because the ALJ failed to explain inconsistencies between the medical opinions of record and the Residual Functional Capacity. (Pl.’s Br., ECF No. 13.) The Commissioner sought final judgment upholding the decision below. (Def.’s Br., ECF No. 16.)

Judge Limbert submitted an R & R (ECF No. 18) on January 27, 2020, recommending that the court affirm the Commissioner's decision. Specifically, the Magistrate Judge found that the ALJ properly and fully considered the medical opinions of record and that the ALJ's findings were supported by substantial evidence. (R & R at PageID #1489, ECF No. 18.) Judge Limbert found that the ALJ considered all of Lipford's medical opinions and afforded them with less than controlling weight in considering Lipford's physical and mental limitations. (*Id.* at PageID #1489–91.) Judge Limbert also found that the ALJ did not err in his evaluation of the State agency psychological consultants' opinions. (*Id.* at PageID #1492.) Finally, the Magistrate Judge found that even if the ALJ did err, such error would be harmless because Lipford did not show that he was prejudiced. (*Id.* at PageID #1494.)

Objections to the Magistrate Judge's R & R were due by February 10, 2020, but neither Lipford nor the Commissioner submitted any. Accordingly, this matter is ripe for review.

The court finds, after careful *de novo* review of the R & R and all other relevant documents in the record, that the Magistrate Judge's conclusions are fully supported by the record and controlling case law. Accordingly, the court adopts as its own Judge Limbert's Report and Recommendation (ECF No. 18). The court hereby affirms the Commissioner's final decision.

IT IS SO ORDERED.

/s/ SOLOMON OLIVER, JR.  
UNITED STATES DISTRICT JUDGE

February 12, 2020